

Appl. No. 10/792,340
Amdt. dated November 10, 2004
Reply to Office action of September 13, 2004

Remarks/Arguments

Claims 17-31 are objected to as being in a product-by-process format. Claims 17-32 are rejected under 35 U.S.C. 102(b) as anticipated by Knowlton. Reconsideration and withdrawal of the objection and rejection is respectfully requested in view of the present amendments and for the following reasons.

Claims 17-31 have been canceled and new claims 33-44 are submitted to present the invention as product claims instead of product-by-process claims.

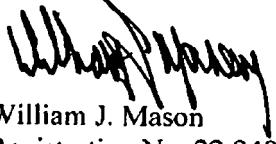
Previous claim 32 has been amended and new claims 33-44 define a soybean oil that is neither taught nor suggested by Knowlton. Knowlton is directed to soybean oil produced from genetically-modified soybeans, specifically high oleic soybeans prepared by recombinant manipulation of the activity of oleoyl 12-desaturase (Col. 8, ll. 61-63). Soybean oil is prepared from these beans by solvent (hexane) extraction (Col. 6, ll. 31-33 and Col. 11, ll. 14-16) followed by caustic refining (Col. 6, ll. 43-46 and Col. 11, ll. 31-35). The resultant oil is characterized by a C18:1 content of 65 to 85% of the fatty acid moieties, a combined C18:2 and C18:3 content of less than 20% of the fatty acid moieties. (Col. 3, l. 64 - Col. 4, l. 8).

The presently claimed soybean oil, on the other hand, since it is prepared by a totally different process, has quite different characteristics, which is now specifically claimed. Specifically, the present soybean oil is a non-hydrogenated soybean oil having a C18:3 content equal to from about 6% to about 8% of total fatty acids, and a total trans fatty acid content of less than about 1%. Moreover, the present soybean oil is solvent extraction free, caustic refining free

soybean oil. Also, the present soybean oil has a C18:1 content of less than 25% and a C18:2 content of greater than 50%. Thus, the present soybean oil, as now specifically claimed cannot be anticipated by the Knowlton patent under 35 U.S.C. 102(b). Further, the present soybean oil cannot be considered to be obvious under 35 U.S.C. 103, since there is no suggestion or teaching of modifying the Knowlton teaching that would lead one skilled in the art to produce the presently claimed soybean oil.

For the foregoing reasons, and in view of the amendments to the claims, it is believed that this application now defines a patentably distinguishable invention and is accordingly in condition for allowance. Such action is respectfully solicited.

Respectfully submitted,



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